IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)

WRIT PETITION NO. 2206 OF 2004

BETWEEN

1. Smt. Laxmi Chandravanshi aged 42 years, W/o Shri Hridya Ram, Assistant Teacher, Govt.Hr.Sec.School Chhuriya, Block Chhuriya, District Rajnandgaon (CG).

2. Ramsharan Kunjam ,aged about 42 years, S/o Shri Ramadhin, Head Master, Govt. Primary School Devkatta, Block Dongargarh, District Rajanandgaon (CG).

3. Kanhaiya Lal Agrawal ,aged about 41 years, S/o Late Sunder Lal Agrawal, Assistant Teacher, Govt. Poorva Madhyamik School Bachherabhata, Block Dongargarh District Rajnandgaon (CG).

4. Ishwar Lal Nirmalkar ,aged about 42 years, S/o Shri Babulal Nirmalkar, Assistant Teacher, Govt Hr.Sec. School Belgaon, Block Dongargarh District Rajnandgaon.

5. Bhagchand Chandravanshi ,aged about 43 years, S/o Shri Vishal Singh Chandravanshi, Head Master, Govt. Primary School Kalkasa Sankul Devkatta, Block Dongargarh District Rajnandgaon (CG).

6. Gajanand Sirdar aged 44 years S/o Shri Baliram ,Head Master, Govt. Primary School Karwari, Sankul Devkatta, Block Dongargarh District Rajnandgaon (CG).

7. Durjan Singh Silata aged 46 years S/o Paras Ram, Head Master, Govt.High School Gondatola, Block Dongargarh District Rajnandgaon (CG).

8. M.R.Kunjam aged 46 years S/o Shri Gour Singh , Head Master, Govt. Primary School Dubhardih, Block Chhuriya, District Rajnandgaon (CG).

PETITIONER

AND

1. The State of Chhattisgarh, through the Principle Secretary ,School Education Department, Mantralay, D.K.S.Building, Raipur (CG).

2. The Director, Public Instructions, Raipur (CG).

3. District Education Officer, District Rajnandgaon (CG).

RESPONDENTS

P.R. No. 2206/04
Presented by Shri Rajesh M. Adhikary
dated .....

(41)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.2206 OF 2004

Petitioners : Smt. Laxmi Chandravanshi and others

versus

Respondents : The State of Chhattisgarh and others

Present : Mr. Rakesh Anthony, counsel for the petitioners.
Mr. Sushil Dubey, Government Advocate for the respondents/State.

ORDER
(Passed on 15th Day of December, 2006)

By this petition under Articles 226/227 of the Constitution of India, the petitioners seek a direction to the respondents to pay the increments and seniority on the basis of the date of their initial appointment in the light of the decision dated 24-8-1992 (Annexure P-3) rendered by the learned State Administrative Tribunal, Jabalpur in Original Application No.2745 of 1989 (*Madhukant Yadu and 56 others vs. State of M.P. and others*).

2. Learned counsel appearing for the parties jointly submit that the facts and question of law involved in the present petition are

similar to that of Writ Petition (S.) No.5473 of 2006 (*Rakesh Kumar Sharma and another vs. State of Chhattisgarh and others*), which has been disposed of by this Court by order dated 9-10-2006.

3. The cases of the petitioners are that they were appointed as Teacher in the School Education Department on probation for a period of two years with the fixed salary. However, later on, after completion of two years' probation, the petitioners were regularized, but, they were not given the regular pay-scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay-scale, wherein learned Tribunal, vide order dated 24-8-1992 (Annexure P-3), allowed the same. The petitioners made several representations to accord the same treatment as they are also similarly situated teacher, but, the respondents have not paid any heed. Thus, this petition.

4. Learned counsel for the petitioners submits that the petitioners may be allowed to make a representation to respondent No.1 to give similar treatment to the petitioners and the same pay-scale which has been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 24-8-1992 (Annexure P-3), to which learned counsel for the respondents/State has no objection.

5. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court, the limited prayer made by learned counsel for the petitioners appears to be reasonable. Therefore, the petitioners are allowed to

make a representation within a period of two weeks from today to respondent No.1, raising all their grievances and, in turn, respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioners and taking into account the order dated 24-8-1992 (Annexure P-3) passed by the learned State Administrative Tribunal in Original Application No.2745 of 1989, and if the petitioners stand on the same footings, as the petitioners in Original Application No.2745 of 1989, then they be also sanctioned the same pay-scale and seniority.

6. The writ petition is accordingly disposed of with the aforesaid direction. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge